

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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**UNITED STATES OF AMERICA** )  
)  
v. )      **CR No. 1:05-CR-10222-DPW**  
)  
**DARNELL UPSHAW** )  
)  
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)

**ASSENTED-TO MOTION TO CHANGE EVIDENTIARY HEARING DATE**

Defendant Darnell Upshaw hereby moves to change the evidentiary hearing date for Mr. Upshaw's Motion to Suppress Alleged Post-Arrest Statements, from 9:00 a.m. on April 6, 2006, to 9:00 a.m. on April 12, 2006, which the parties understand to be an available date for the Court. Counsel for the United States has assented to this motion. In support of this motion, Mr. Upshaw states that counsel has a conflicting obligation on April 6, 2006, which prompted this request to be made. Accordingly, Mr. Upshaw respectfully requests that the Court change the hearing date as set forth above.

Dated: March 28, 2006

Respectfully Submitted,

DARNELL UPSHAW  
By his attorneys,

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/s/ Anita Bapooji Ryan  
David J. Apfel, Esq. (BBO #551139)  
Anita Bapooji Ryan, Esq. (BBO #644657)  
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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, Anita Bapooji Ryan, counsel for Mr. Upshaw, hereby certify that on March 27, 2006, I conferred by telephone with Assistant U.S. Attorney James Lang, who assented to this motion.

/s/ Anita Bapooji Ryan  
Anita Bapooji Ryan

**CERTIFICATE OF SERVICE**

I, Anita Bapooji Ryan, attorney for the Defendant Darnell Upshaw, do hereby certify that I caused a copy of this motion to be served upon Cynthia Lie, Assistant U.S. Attorney, via ECF on March 28, 2006, and also served a copy of this motion on James Lang, Assistant U.S. Attorney via facsimile (617-748-3951) on March 28, 2006.

/s/ Anita Bapooji Ryan  
Anita Bapooji Ryan